Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Development of Operational, Technical and	)	
Spectrum Requirements for Meeting Federal,	)	
State and Local Public Safety Agency	)	WT Docket No. 96-86
Communication Requirements Through 2010	)	
	)	
Establishment of Rules and Requirements	)	
for Priority Access Service	)	

COMMENTS OF THE NATIONAL EMERGENCY NUMBER ASSOCIATION

The National Emergency Number Association ("NENA") hereby comments on Section III, "Priority Access Service," of the Second Notice of Proposed Rulemaking in the captioned docket, FCC 97-373, released October 24, 1997 ("Second Notice"). In Comments dated June 17, 1996, on the antecedent National Communications System ("NCS") Petition for Rulemaking, NENA asked whether making Cellular Priority Access Service ("CPAS") voluntary was consonant with the perceived critical importance of ubiquity and need for uniformity of call prioritization for national security and emergency preparedness ("NSEP") uses of Commercial Mobile Radio Service. ("CMRS")[1] We suggested that cellular carriers be obliged to provide CPAS to customers willing to pay prices allowing fair recovery of carrier costs, to include a reasonable return. Of equal importance, NENA recommended that all calls to 9-

1 Petitioner National Communications System ("NCS"), through the Secretary of Defense as its agent, urged that rules initially be applied to cellular service providers choosing to offer call prioritization, since Personal Communications Service ("PCS") and other forms of public radiotelephony were not then so prevalent or standardized.

1-1 be afforded their own priority transmission, triggered by that dialed number, no lower than Level 5 in the NCS proposed hierarchy.

Statement of Interest

NENA is a not-for-profit corporation founded in 1982 to foster the implementation and advancement of a universal emergency telephone number system, accessible in the United States by dialing 9-1-1. NENA's more than 6,000 members in this country and abroad are employed by state and local emergency communications, management and response agencies; telecommunications service providers; and emergency communications equipment vendors and consultants.

Background

The cellular industry and the standards bodies through which it works have included "call precedence" as an important feature of 9-1-1 emergency communication. The 1994 report of an Emergency Services Joint Experts Meeting recommended that "an originating 9-1-1 call should be given priority over other non-emergency call originations."[2] The Report described Priority Access and Channel Assignment ("PACA") and Priority Queuing methods of prioritizing access for emergency calls, and recommended that "future 800 MHz air interface standards should support the PACA feature" most recently described in Interim Standard ("IS") 53A of IS 41, Revision C.[3]

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2 Telecommunications Industry Association Committee TR45, TR94.08.23.11, August 24, 1994, page 4.

3 Excerpted at Attachment A hereto. The document is now called IS-664, but the content has not changed from 1995.

The 1994 JEM recommendation was picked up later that year by the FCC Notice of Proposed Rulemaking in CC Docket 94-102. There the Commission proposed to require that, by one year from the release of an adopting order, "911 calls must be assigned priority over non-emergency service calls."[4] That proposal, of course, is different from the NCS Petition, which suggests five priority levels within a particular emergency category defined as NS/EP.[5]

The PSWAC Report highlights
the need for ubiquity and uniformity
in NSEP uses of CMRS.

The Second Notice concludes that action on the specific hierarchy of priority levels proposed by PCS is premature because "PACA, and the related technology necessary to implement it, is not capable of being applied in the current marketplace." (¶190, citation omitted) While the Commission wants additional comment on the details of CMRS call prioritization, it seems more interested in whether newly available spectrum offers more immediate opportunities for NSEP communications than could be imagined at the time of the NCS Petition 30 months ago:

> In our view, based partly on the conclusions of the *PSWAC Final Report*, there may be a substantial nexus between considerations of priority access and the needs of the public safety community. For example, we may need to consider whether an increased allocation of spectrum for public safety

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4 *Compatibility with Enhanced 911 Calling Systems*, 9 FCC Rcd 6170 (1994), at ¶ 44. Neither the FCC proposal nor the NCS Petition would interrupt calls in progress.

5 47 C.F.R. Part 564, App. A, 3.f., "telecommunications services which are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national or international), which causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NSEP posture of the United States."

> communications and the choices made regarding utilization of this spectrum would have any impact on the need for, or the components of, a priority access system for commercial spectrum. Further, the extent to which interoperability arrangements, established pursuant to this rulemaking, are effective in accommodating public safety communications needs in emergency situations could also have a bearing on our evaluation of the need for priority access systems.[6]

In NENA's view, the direct PSWAC and indirect FCC criticisms of the NCS proposal reinforce the importance of the choice we initially posed between mandatory and voluntary implementation of priority access to CMRS for public safety purposes. Assuming that the interoperability deficiencies in PACA's present state of development -- reportedly usable only with TDMA-based cellular systems -- can be corrected eventually, we are still left with the PSWAC insistence that public safety users of radio must have "dedicated capacity and/or priority access available at all times (and in sufficient amounts) to handle unexpected emergencies." (Second Order, ¶181, citation omitted)

That sounds like a difficult prescription to fill using CMRS if the offering of priority access is purely voluntary. It may be, as some of NENA's individual members believe, that wireless companies providing priority access will gradually garner more and more of the public safety market and their competitors will have to follow suit. But such an outcome is far from guaranteed, and the pace with which it happens may be slower than NSEP missions can tolerate. The next urban bomb blast (or threat), the

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6 Second Order, ¶186. The PSWAC Final Report (Second Order, note 5) is characterized as lukewarm on the NCS proposals for CPAS, which are seen as only one of several possible solutions to public safety needs, including NSEP requirements. (Second Order, ¶¶181-84)

next massive hurricane or forest fire may not wait upon the leisure of market choices.

On the other hand, if new spectrum for non-commercial public safety use, including NSEP, were made available nationally or regionally, with mandates for capacity, interoperability, security, operating procedures and training, this could become the fallback allowing commercial priority access options to be developed and distributed in response to the market. Of course, the non-commercial backstopping system could not be built overnight either. Until it is constructed, there seems no reason to preclude the offering of commercial priority access by CMRS carriers, but neither would there be any reason to regulate the offering. Fulfillment of PSWAC's expectations would occur through the non-commercial alternative.

The FCC should not lose sight of the need for CMRS priority access to 9-1-1.

However the NCS proposal for NSEP priority access is resolved, the Commission should keep in mind the original 1994 JEM recommendation, and its own proposal of later the same year, that CMRS calls to 9-1-1 be given priority over non-emergency calls. In joining with CTIA in the Consensus of 1995 in the wireless compatibility docket, 94-102, NENA did not make such priority a first order of business, but it remains important.

If the development of PACA or other enabling standards remains unrealized for too long, the Commission may find it useful to establish a time frame for implementation of this basic form of call priority, just as it did for wireless basic access, and for transmission of Automatic Number Identification ("ANI") and Automatic Location Information ("ALI") in Section 20.18 of the Rules.

Respectfully submitted,

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December 22, 1997 ITS ATTORNEY

5.17 Priority Access and Channel Assignment (PACA)

Priority Access and Channel Assignment (PACA) allows a subscriber to have priority access to voice or traffic channels on call origination.

This feature permits a subscriber to obtain priority access to voice or traffic channels by queuing these subscribers' originating calls when channels are not available. When a channel becomes available, the queued subscriber is served on a first come first served and a priority basis.

The subscriber is assigned one of *n* priority levels at subscription time (where *n* has a minimum of eight and a maximum of fifteen). Priority levels are defined as 1, 2, 3,...,*n*, with 1 being the highest priority level and *n* being the lowest priority level. N = 15

The invocation of PACA is determined by subscription to one of two options: Permanent or Demand. In the Permanent option the feature is always available and is used automatically whenever the subscriber attempts to originate a call. In the Demand option the feature is available only on request. The subscriber requests PACA by using a feature code with an origination request.

Call originations to priority access service codes or Directory Numbers (e.g., 9-1-1, fire, police medical) should invoke PACA using an independent priority level assigned to each number by the serving service provider. The priority used for the call shall be the higher of the dialed number's priority level or the subscriber's priority level.

The subscriber is considered to be busy while it waits for a PACA channel to be assigned.

PACA does not impact a subscriber's normal ability to originate calls or to receive calls.

Applicability to Telecommunications Services.

PACA feature shall be applicable to originating telecommunications services that require a voice or traffic channel assignment.

5.17.1 Normal Procedures With Successful Outcome

Authorization

PACA may be generally available or may be provided after pre-arrangement with the service provider.

2-1 Optionally, include the AnnouncementCode parameter in the AnnouncementList parameter set to an appropriate announcement.

2-2 Include the FeatureResult parameter set to *Unsuccessful* to indicate unsuccessful feature operation.

3 ENDIF.

4 Set PointOfReturn to *ToneTermination*.

5 Return to calling task via the PointOfReturn.

5.17 PRIORITY ACCESS AND CHANNEL ASSIGNMENT (PACA)

5.17.1 HLR PACA Per Call Invocation

1 IF PACA is authorized:

1-1 Relay the OneTimeFeatureIndicator parameter with *Priority Access and Channel Assignment (PACA)* activated.

1-2 Include the PACAIndicator parameter set to the currently authorized Priority Level and the subscriber's permanent activation status.

1-3 Include the FeatureResult parameter set to *Successful* to indicate successful feature operation.

1-4 Execute the "Termination Address Expansion" task (see 6.2.1).

2 ELSE:

2-1 Relay the OneTimeFeatureIndicator parameter unchanged.

2-2 Include the FeatureResult parameter set to *Unsuccessful* to indicate unsuccessful feature operation.

3 ENDIF.

4 Set PointOfReturn to *ToneTermination*.

5 Return to calling task via the PointOfReturn.

5.17.2 MSC PACA Call Origination Invocation

Upon determining that an idle voice or traffic channel is not available for an origination and that PACA may apply, the Serving MSC shall perform the following:

1 IF a voice or traffic channel has been seized:

1-1 Return to calling task indicating *success*.

2 ELSEIF a voice or traffic channel is available:

2-1 Return to calling task indicating *success*.

3 ELSEIF the *Priority Access and Channel Assignment (PACA)* of the OneTimeFeatureIndicator parameter is active OR IF the *Permanent Activation (PA)* of the PACAIndicator parameter is active OR IF PACA is invoked by the dialed number (e.g., 9-1-1, *-9-1-1):

3-1 Determine the PACA priority level appropriate for this service request based upon the subscriber's PACA Level profile information, the received PACAIndicator parameter PACA Level (valid for this call only) and the identified dialed number (and its associated PACA Level).

3-2 Enter this service request into the bottom of the PACA queue of the determined priority level (if required appropriately displace a lower level queued service request entry).